

JOSE A. GARCIA,

Petitioner,

V.

WARDEN, FCI MENDOTA,

Respondent.

Case No. 1:23-cv-00833-SAB-HC

**ORDER DIRECTING RESPONDENT TO
COMPLY WITH DECEMBER 11, 2023
ORDER AND FILE SUPPLEMENTAL
BRJEE**

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On December 11, 2023, the Court ordered Respondent to submit a supplemental brief “regarding the meaning of ‘the prisoner is the subject of a final order of removal’ in 18 U.S.C. § 3632(d)(4)(E)(i), whether a prisoner who was previously removed pursuant to a final order of removal that has not been reinstated by an authorized official qualifies as being ‘the subject of a final order of removal,’ and whether Petitioner ‘is the subject of a final order of removal’ under 18 U.S.C. § 3632(d)(4)(E)(i)[.]” (ECF No. 12 at 3.)

On January 10, 2024, Respondent filed a superseding motion to dismiss. (ECF No. 13.) Therein, Respondent does not address the issues set forth in the Court's December 11, 2023 order. To date, Respondent has not filed a supplemental brief addressing said issues, and the deadline for doing so has passed.

1 Accordingly, IT IS HEREBY ORDERED that within fourteen (14) days of the date of
2 service of this order, Respondent shall file a supplemental brief addressing the issues set forth in
3 the December 11, 2023 order.

4 Respondent is forewarned that in the event Respondent fails to comply with the Court's
5 order, the Court will issue an order to show cause why sanctions should not be imposed.

6 IT IS SO ORDERED.
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8 Dated: January 11, 2024



UNITED STATES MAGISTRATE JUDGE

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